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EXAMINER

MISLEH, JUSTIN P

ART UNIT

PAPER NUMBER

2612

DATE MAILED: 07/24/2003

4 8

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/500,897

Applicant(s)

YAMAZAKI ET AL.

Examiner

Justin P Misleh

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 16 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1 - 16 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 February 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: Summary of the Invention. The Applicant of the present invention has placed the description of Figure 1 in the Summary of the Invention section of the disclosure. The Examiner is unclear as to whether Figure 1 is prior art or an embodiment of the present invention. The Examiner suggests removing the description of Figure 1 from the Summary of the Invention Section and placing it in the Detailed Description of Preferred Embodiments section without adding new matter to the disclosure.

Appropriate correction is required.

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. The Examiner suggests the following title: *Electronic Viewfinder Utilizing Either A Liquid Crystal Or Organic Electroluminescence Display*.

3. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a **single paragraph** on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. **The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.**

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Drawings

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: 101 and 104 (Figure 1). Please also see Figure 1 objection above. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

5. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: 204 (Figure 2). Reference sign 204 is first shown in Figure 2, however, it is first described in reference to Figure 3. As appropriate, reference sign 204 (first shown in Figure 2), should be described first in reference to Figure 2. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

6. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: 404 (Figure 4), 504 (Figure 5), 704 (Figure 7), 6000 and 7001 (Figure 12A), 4024 and 4025 (Figures 12B and 13B), 6001 (Figure 13B), 3102 (Figure 16), and 3203a and 3203b (Figure 17C). A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Art Unit: 2612

7. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 4017 (page 13, line 2). Reference sign 4017 is shown in Figure 12B and not shown in Figure 12A where it is first described. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1, 2, 5, 6, 9, 10, 13, and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Takahara et al.

10. For claim 1, Takahara et al. disclose, as shown in figures 1 – 10 and 21 and as stated in columns 4 (lines 56 – 67), 5, 6, 7 (lines 1 – 50), 21 (lines 25 – 30), and 22 (lines 7 – 11), a viewfinder (11) comprising: a display element (24); and an optical element (26) for magnifying (see column 5, line 10) an image displayed on said display element.

11. For claim 5, Takahara et al. disclose, as shown in figures 1 – 10 and 21 and as stated in columns 4 (lines 56 – 67), 5, 6, 7 (lines 1 – 50), 21 (lines 25 – 30), and 22 (lines 7 – 11), a viewfinder (11) comprising: a display element (24); and a plurality of optical elements (25 and 26) for magnifying (see column 5, line 10) an image displayed on said display element.

Art Unit: 2612

12. For claim 9, Takahara et al. disclose, as shown in figures 1 – 10 and 21 and as stated in columns 4 (lines 56 – 67), 5, 6, 7 (lines 1 – 50), 21 (lines 25 – 30), and 22 (lines 7 – 11), a viewfinder (11) comprising: a display element (24); and an optical element (26) for magnifying (see column 5, line 10) an image displayed on said display element and projecting it upon an eye of a user (eyecup 12).

13. For claim 13, Takahara et al. disclose, as shown in figures 1 – 10 and 21 and as stated in columns 4 (lines 56 – 67), 5, 6, 7 (lines 1 – 50), 21 (lines 25 – 30), and 22 (lines 7 – 11), a viewfinder (11) comprising: a display element (24); and a plurality of optical elements (25 and 26) for magnifying (see column 5, line 10) an image displayed on said display element and projecting it upon an eye of a user (eyecup 12).

14. As for claims 2, 6, 10, and 14, Takahara et al. disclose, as shown in figures 1 – 10 and 21 and as stated in columns 4 (lines 56 – 67), 5, 6, 7 (lines 1 – 50), 21 (lines 25 – 30), and 22 (lines 7 – 11), wherein said display element (24) is a liquid crystal display element (see column 5, line 9).

Claim Rejections - 35 USC § 103

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. Claims 3, 7, 11, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takahara et al. in view of Teremy et al.

17. For claims 3 and 11, Takahara et al. disclose a viewfinder comprising: a display element; and an optical element for magnifying an image displayed on said display element wherein said display element is a liquid crystal display element. Takahara et al. do not disclose wherein said display element is an organic EL display element. Teremy et al. also disclose, as shown in figures 1 – 3, 5, and 6 and as stated in columns 4 (lines 43 – 58), 5 (lines 32 – 67), and 6 (lines 1 – 10), a viewfinder (19) comprising: a display element (elements 63, 64, 66, and 68); and an optical element (44) for magnifying an image displayed on said display element. Teremy et al. disclose wherein said display element (elements 63, 64, 66, and 68) is an organic EL display element (see column 5, lines 32 – 35). Teremy et al. clearly teach a viewfinder comprising a display element wherein said display element is an organic EL display element. As stated in column 5 (lines 53 – 58), at the time the invention was made, one with ordinary skill in the art would have been motivated to use the organic EL display element in a viewfinder as taught by Teremy et al. in the viewfinder of Takahara et al. as a means to provide a display element which has the ability to provide multiple shapes and colors on a single substrate. Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to have used the organic EL display element in a viewfinder as taught by Teremy et al. in the viewfinder of Takahara et al.

18. For claims 7 and 15, Takahara et al. disclose a viewfinder comprising: a display element; and a plurality of optical elements for magnifying an image displayed on said display element wherein said display element is a liquid crystal display element. Takahara et al. do not disclose wherein said display element is an organic EL display element. Teremy et al. also disclose, as shown in figures 1 – 3, 5, and 6 and as stated in

Art Unit: 2612

columns 4 (lines 43 – 58), 5 (lines 32 – 67), and 6 (lines 1 – 10), a viewfinder (19) comprising: a display element (elements 63, 64, 66, and 68); and a plurality of optical elements (44 and 42) for magnifying an image displayed on said display element.

Teremy et al. disclose wherein said display element (elements 63, 64, 66, and 68) is an organic EL display element (see column 5, lines 32 – 35). Teremy et al. clearly teach a viewfinder comprising a display element wherein said display element is an organic EL display element. As stated in column 5 (lines 53 – 58), at the time the invention was made, one with ordinary skill in the art would have been motivated to use the organic EL display element in a viewfinder as taught by Teremy et al. in the viewfinder of Takahara et al. as a means to provide a display element which has the ability to provide multiple shapes and colors on a single substrate. Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to have used the organic EL display element in a viewfinder as taught by Teremy et al. in the viewfinder of Takahara et al.

19. Claims 4, 8, 12, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takahara et al.

20. For claims 4, 8, 12, and 16, Takahara et al. disclose, as shown in figures 1 – 10 and 21 and as stated in columns 4 (lines 56 – 67), 5, 6, 7 (lines 1 – 50), 21 (lines 25 – 30), and 22 (lines 7 – 11), wherein said viewfinder (11) is incorporated into a video camera comprised of a CCD sensor (221). However, Takahara et al. do not disclose a group consisting of a video camera and a digital camera. Official Notice is taken that both the concepts and the advantages of incorporating a digital still camera in a video camera with a CCD sensor are well known and expected in the art. It would have been obvious to

Art Unit: 2612

incorporate a digital still camera in a video camera with a CCD sensor as a means to provide a more economical way to acquire digital still images by eliminating the duplication of hardware.

Conclusion

21. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
22. US 6 075 581 teaches as shown in figure 1, a viewfinder (10) comprising an LCD (11) and a magnifying lens (14) for projecting magnified images displayed on the LCD into the eye of the user (15).
23. US 5 168 384 teaches as shown in figure 1, a viewfinder (10) comprising an LCD (6) and a magnifying lens (4) for projecting magnified images displayed on the LCD into the eye of the user by means of eyecup (5).
24. US 6 298 198 B1 teaches as stated in column 6 (lines 5 – 33) a digital camera in which the display apparatus is comprised of a display element wherein the said display element is either an LCD, a CRT, or an OLED.
25. US 6 535 228 B1 teaches as shown in figures 1 and 2 and stated in column 5 (lines 21 – 28) a digital image display apparatus wherein the display element is comprised of either an LCD, a CRT, or an OLED, etc.

Art Unit: 2612

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin P Misleh whose telephone number is 703.305.8090.

The examiner can normally be reached on Monday - Friday, 8 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy R Garber can be reached on 703.305.4929. The fax phone numbers for the organization where this application or proceeding is assigned are 703.872.9314 for regular communications and 703.872.9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is 703.306.0377.

JPM
July 23, 2003


TUAN HO
PRIMARY EXAMINER